

Message Text

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PAGE 01 PANAMA 00201 121650Z

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FM AMEMBASSY PANAMA

TO SECSTATE WASHDC PRIORITY 5232

C O N F I D E N T I A L PANAMA 0201

NODIS

FOR THE DEPUTY SECRETARY FROM AMBASSADOR JORDEN

E.O. 11652: GDS

TAGS: PEPR, PN

SUBJECT: PANAMA CANAL TREATIES

REF: STATE 007078

1. THIS ADDRESSES POSSIBLE "UNDERSTANDINGS" AS SET FORTH IN REFTEL. OBVIOUSLY "UNDERSTANDINGS" OF ANY KIND WOULD BE LESS TROUBLESOME HERE THAN RESERVATIONS OR AMENDMENTS. EVEN SO THE FEWER THE BETTER. FOR CONVENIENCE, I HAVE LETTERED INDIVIDUAL UNDERSTANDINGS AS A THROUGH J AND THE FOLLOWING COMMENTS ARE SO KEYED.

2. A) THIS RESTATEMENT OF THE STATEMENT OF UNDERSTANDING BETWEEN THE PRESIDENT AND TORRIJOS WILL CAUSE NO PROBLEMS HERE.

B) SAME AS A.

C) THIS GETS MORE AT OUR OWN INTERNAL PROBLEM RELATED TO WAR POWERS AND WILL CAUSE NO DIFFICULTY HERE. INDEED, IT MAY BE FOUND SOMEWHAT REASSURING.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 PANAMA 00201 121650Z

D) THIS ONE ON THE STATIONING OF FOREIGN TROOPS WILL GIVE TORRIJOS SOME PAIN. PANAMA KNOWS WE WILL PROBABLY ACT AGAINST ANY THREAT TO THE CANAL. THEY WILL NOT WANT TO SEEM TO GIVE US A BLANK CHECK ON ANY POSSIBLE MILITARY ACTIONS HERE HOWEVER REMOTE FROM THE CANAL BASED ON A UNILATERAL JUDGEMENT OF THE INNER MEANING OF ARTICLE V. THIS WAS THE SOURCE OF EXTENDED FENCING DURING THE NEGOTIATIONS AND I

AM CERTAIN THAT ANY EFFORT TO MAKE THIS AGREEMENT MORE SPECIFIC IN THE SENATE WILL ONLY CAUSE A STRONGLY NEGATIVE REACTION HERE. THIS WAS THE REASON FOR THE UNWILLINGNESS OF TORRIJOS TO RESPOND TO OUR REQUEST FOR CONCURRENCE IN THE SECRETARY'S ANSWER TO SENATOR BAKER'S LETTER LAST MONTH.

E) THE SEA-LEVEL CANAL OPTION WILL CAUSE NO TROUBLE HERE IF MADE A MATTER OF MUTUAL AGREEMENT--OR IF IT IS ELIMINATED COMPLETELY. TORRIJOS HAS TOLD SOME SENATORS THAT ELIMINATION OF THE ARTICLE WOULD MAKE HIM "A NATIONAL HERO" BECAUSE MANY PANAMANIAN'S REGARD THE GRANTING OF AN EXCLUSIVE OPTION AS A DROGATION OF THEIR SOVEREIGNTY.

F) THIS ONE, BASING EXCHANGE OF RATIFICATION INSTRUMENTS ON CONGRESSIONAL ACTION OF IMPLEMENTING LEGISLATION, WILL CAUSE UNTOLD HARM AT THIS END. IT WILL BE SEEN AS AN EXCUSE FOR INDEFINITE POSTPONEMENT OF RATIFICATION. AND GIVEN THE PRESENT MOOD IN THE HOUSE, IT GIVES THAT BODY A CLEAR VETO. IT ALSO TIES THE PRESIDENT'S HANDS. FINALLY, IT TAKES THE HOUSE OFF THE HOOK TO ACT PROMPTLY AND RESPONSIBLY WHICH WILL BE ALMOST REQUIRED IF THE NEW TREATY IS RATIFIED AND THE 1903 INSTRUMENT IS MOVING TOWARD EARLY ABROGATION. WITHOUT THIS "UNDERSTANDING" THE CLOCK WILL BE TICKING UNDER THE HOUSE; WITH IT, THE CLOCK MAY STOP.

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 PANAMA 00201 121650Z

G) THE ONE DIFFICULT ELEMENT IN THIS "UNDERSTANDING" IS THE FINAL (NUMBER IV) SENTENCE THAT WOULD ENABLE THE CANAL ENTITY TO PAY OFF ITS OWN BACK DEBTS BEFORE PAYING PANAMA'S SECOND \$10 MILLION. THAT IS PROBABLY NOT THE PANAMANIAN UNDERSTANDING OF THE NEGOTIATING RECORD--WHICH IS TOTALLY UNCLEAR ON THIS POINT. THE REST OF THE PARAGRAPH WILL CAUSE NO DIFFICULTY HERE, BUT WITHOUT IV THE PARAGRAPH WOULD BE WORSE THAN NOTHING FROM THE USG STANDPOINT.

H) THIS WILL NOT GO DOWN WELL WITH THE PANAMANIAN'S. IT IS ARROGANT IN TONE AND WILL BE INTERPRETED AS INTERFERENCE IN THEIR INTERNAL AFFAIRS. IN ANY CASE, I CANNOT IMAGINE THIS ISSUE WINNING ANY VOTES FOR US IN THE SENATE, NOT FROM THOSE WHOSE VOTES WE BADLY NEED WHO ARE IN THE UNDECIDED CATEGORY.

I) THIS ONE, WITH SPECIFIC REFERENCES TO OTHER INTERNATIONAL ORGANIZATIONS, IS EVEN WORSE IN TONE THAN IS H. THIS KIND OF "UNDERSTANDING" COULD WELL LAUNCH PANAMA ON A COURSE OF ADOPTING ITS OWN "UNDERSTANDINGS" THAT WOULD NOT HELP MATTERS.

J) PANAMA WOULD ARGUE THAT THESE ASSURANCES ARE SET FORTH, IN MORE DETAIL, IN THE TREATY ITSELF. ZONIANS WOULD FIND THE PARAGRAPH TOTALLY UNSATISFACTORY. THIS IS THE LEAST OBJECTIONABLE OF THE FINAL THREE PARAGRAPHS, BUT I CAN'T SEE IT WOULD BE WELCOMED BY ANYONE. IN ANY CASE, THE WORD "HUMAN" SHOULD BE DELETED LEAVING IT AT THE "RIGHTS" OF THE INHABITANTS OF THE FORMER ZONE.

3. I TRUST THIS IS HELPFUL. THE BASIC SENTIMENT HERE IS THAT ANY CHANGES IN THE EXISTING TREATY WILL NOT BE GOOD-- BUT IF THEY ARE NEEDED FOR RATIFICATION, THERE SHOULD BE AS FEW AS POSSIBLE.

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